

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

HARVEY L. JONES FARMS, INC.,  
a Washington Corporation,

Plaintiff,

v.

GS LONG CO. INC., a Washington  
Corporation; BIOWORKS INC, a  
foreign Corporation; H&I  
AGRITECH INC., a foreign  
corporation,

Defendants.

NO. CV-07-3067-RHW

**ORDER DISMISSING CASE  
WITHOUT PREJUDICE**

The Court entered an Order on November 21, 2007, setting a briefing schedule for Plaintiff to establish the Court's subject matter jurisdiction over its claims in the above-captioned matter. Plaintiff was directed to file within ten days of the entry of the Order. Having not received any briefing from Plaintiff, and having determined the Court does not have subject matter jurisdiction over Plaintiff's claims under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136-136y, *Fiedler v. Clark*, 714 F.2d 77, 79 (9th Cir. 1983), the Court dismisses Plaintiff's claims without prejudice.

Accordingly, **IT IS HEREBY ORDERED:**

1. The above-captioned case is **DISMISSED without prejudice.**

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1       **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
2 Order and forward copies to counsel and to **close the file.**

3       **DATED** this 7<sup>th</sup> day of December, 2007.

4                               *S/ Robert H. Whaley*

5                               ROBERT H. WHALEY  
6 Chief United States District Judge

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